IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13613 of 2004

Between:

P.Prabhakara Rao, (E.353865), s/o David,
R/o Sanjeevanagar, Chilakaluripeta, Guntur District.

..... PETITIONER

AND

1 Regional Manager, A.P.S.R.T.C., Guntur, Guntur District.
2 Depot Manager, A.P.S.R.T.C., Chilakaluripet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not reinstating the petitioner into service as Driver, though the petitioner has been acquitted by the Competent Criminal Court in C.C.No.644 of 2000 dated 8-10-2003 as highly illegal, arbitrary and unjustifed with a direction to the respondents to reinstate the petitioner into service as driver in the respondent organisation with all consequential benefits and pass such other or further orders.

Counsel for the Petitioner:MR.Y.KISHORE BABU

Counsel for the Respondent No.: MR.VENKATESWARLU POSANI

The Court made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.13613 OF 2004

ORDER:

The petitioner worked as a Driver in the respondent-Corporation. While he was driving the bus, an accident occurred on 21.09.2000. The respondent-Corporation, after holding an enquiry, terminated him from service through proceedings dated 11.01.2001. The petitioner, being aggrieved by the said order, approached the Labour Court, Guntur by filing I.D.

The learned counsel for the petitioner represents that the said I.D. is pending with the Labour Court. A subsequent development brought to the notice of this Court is that a criminal case is filed against the petitioner covered by C.C.No.644 of 2000, which ended in acquittal by holding that the prosecution failed to prove the guilt of the petitioner beyond reasonable doubt and benefit of doubt was given to him. The petitioner, therefore, approached the respondent for reinstatement. The request of the petitioner was said to be rejected by the first respondent through the order dated 24.11.2003. Being aggrieved by the said order, the petitioner approached this Court seeking a writ of Mandamus declaring that the order of the first respondent dated 24.11.2003 is illegal and arbitrary.

Since the I.D. filed by the petitioner is said to be pending before the Labour Court, it is premature for the petitioner to approach this Court, at this stage.

Therefore, the writ petition is dismissed with a liberty to the petitioner to prosecute the I.D. before the Labour Court. No order as to costs.

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(Dr.G.YETHIRAJULU, J)

Dated 04th August, 2004.

YCR

To:

1. Regional Manager, A.P.S.R.T.C., Guntur, Guntur District.
2. Depot Manager, A.P.S.R.T.C., Chilakaluripet, Guntur District.

3. 2 C.D. Copies.